

**COMMISSION CONFERENCE****NOVEMBER 19, 2002**

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Present: Mayor Naugle  
Commissioners Hutchinson, Katz, Moore (1:38 p.m.), and Smith (1:36 p.m.)

Also Present: City Manager, City Attorney, and City Clerk  
Sgt. Ryan and Sgt. Martin

**I-A – Noise Abatement from Tri-Rail/Florida Department of Transportation (FDOT) Roadways in the Flamingo Park Neighborhood**

Greg Kisela, Assistant City Manager stated that this item was placed on the agenda at the request of Commissioner Hutchinson.

Commissioner Hutchinson stated that they had met with Tri-Rail and DOT and it appeared that Tri-Rail was attempting to address the noise issues, but the problem stemmed from I-95 and I-595. The community west of those highways, Flamingo Park, had a tremendous amount of noise filtering into their neighborhood from the interstate which had not been addressed when originally constructed. Over time, the noise accumulated in that it now interfered with their quality of life.

Commissioner Smith entered the meeting at approximately 1:36 p.m.

Commissioner Hutchinson stated that now with Tri-Rail going in, it was their opportunity to have these issues addressed. She explained that Mr. Chesser could not be at today's meeting, and therefore, she wanted to reschedule this matter for December 10, 2002. She further stated that there was an issue relating to a glare study that she thought was over with, but Mr. Chesser informed her it was not, and he was going to review more profiles. She explained that Tri-Rail had agreed to put up a 6' wall with sound proof coating on the west side of the tracks to alleviate the noise from the train. She stated that there was a glare issue relating to traffic looking at the train when the train was at the same height as the traffic.

Commissioner Moore entered the meeting at approximately 1:38 p.m.

Commissioner Hutchinson stated that if FDOT could prove this would be an issue as it related to the glare problem with the train, she could have another wall erected which would help with the noise from the traffic. She explained that some members of the Flamingo Park Noise Committee were present to voice their concerns and when the issue was brought forward on December 10<sup>th</sup>, something would have to be done and possibly force FDOT to address the issue.

Cindy Jacobson, Acting President of the Flamingo Park Civic Association, stated that there was a great deal of noise in their neighborhood caused by traffic from I-595. She stated that when FDOT installed the 595 off-ramp, they had done an impact study. She explained that she had reviewed the study along with some others, and what amazed her was that the study said, "Final Impact Study" and they were discussing an area they took over. It specifically stated that the neighborhood would definitely have a problem, but there was nothing they could do about it due to the train. Now, the train was going to be the same height as the roadway. She felt there was more that could be done and requested that other studies be done. There was a question about sound levels in the area and wanted those levels go away because Tri-Rail stated they were only going to add .1 decibel to an already bad situation. When looking at things on paper, it could be viable to say that there would be no impact to the neighborhood, but the area was already impacted. Ms. Jacobson stated that once FDOT put things in, they did not return and review the situation. She further stated they were trying to deal with the situation for a long time.

Commissioner Hutchinson clarified that part of the issue was the 300' notification which was the actual Park, but the community lives next to the park. She stated that it was said that the biggest issue was in the park. Other cities in Florida had realized they needed to do a better job as a government entity and

they went a step further. She explained that Flamingo Park was caught in the middle. She stated they were asking for appropriate noise studies in the locations this community group wanted them taken.

Commissioner Moore left the meeting at approximately 1:42 p.m. and returned at 1:46 p.m.

Mayor Naugle asked if they could look at other bridges for trains where they had reduced the noise.

Ms. Jacobson stated that Japanese and German studies had been referred to, and they were supposed to supply the community with the URLs.

Mayor Naugle asked if staff could research and see what other communities had done in situations like this and what results were obtained.

Commissioner Hutchinson stated that they were saying there was only one in Japan and one in Germany, and none in the United States and they had been done through trial and error. She further stated that Tri-Rail was easier to deal with, but DOT was presenting a problem.

The City Manager entered the meeting at approximately 1:47 p.m.

Dennis Ralph, resident of Flamingo Park, stated that they had started a sound study on their own about three years ago, but had gotten "stonewalled" by DOT. He further stated that when the community discovered about the railroad, it opened a new avenue regarding the noise. A study was done in '87 which stated that a problem existed, but nothing would be done about it because of the railroad. Since the time the extra roadway had been constructed, they put a wall on the opposite side of the railroad tracks to reflect the noise, but it reflected the noise back into the neighborhood. Recently, the land had been appropriated for the tracks and it was all DOT's problem. DOT claimed they could do nothing for the existing noise because it had to be a road retrofit to the highway in order to have noise barriers. The community felt that since they owned the land, it should be a joint venture. The most recent change in the area was the raising of the speed limit from 55 mph to 65 mph. The current pamphlets put out by DOT showed a definite increase in noise with the higher speed, which did not take into consideration the noise from the extra traffic. He felt they had a compounding problem and needed a new noise study to pin point where the noise was actually emanating from. Research had been done and a lot of the noise emanated from the overpass over the river.

Judy Sadlear, resident of Flamingo Park, stated that there was a Joint Participation Agreement which had an actual ten-digit number between Tri-Rail and FDOT for the funding of this project. From the community's point of view, they were partners in this venture and should be working with the community regarding this problem. She commented that Paul Lampey from FDOT stated after a meeting that it was illegal for them to do anything. The community was very upset because possibilities had just been discussed during the meeting, and they did not agree with his statement. Ms. Sadlear stated that if you checked on the Internet from the Federal Highway Department, you would find references that the Highway Administration did not require State Transportation Departments to build noise barriers, but they could voluntarily do so and were responsible in making such decisions.

Ms. Sadlear proceeded to quote US Code 42, Chapter 65, Section 49-13 which discussed the importance of public health, welfare and noise abatement, and what should be done for neighborhoods and their quality of life. She stated these types of things contradicted FDOT's position that nothing could be done in regard to this problem. She further stated that the community hoped that something could be done within the next 1-2 years as this project developed.

Ms. Sadlear proceeded to distribute copies of a conversation that their group had regarding what could be done. These were not the only alternatives, but some suggestions.

Commissioner Hutchinson asked Linda Cox if she could find out what FDOT was saying about not being able to go back and retrofit anything on a highway unless it went before the Legislature. When the highways were built, they stated that the noise was coming from the train. Now with the train being built, they said the noise was emanating from the roadways. She felt they needed to make up their minds.

Commissioner Smith asked if it made sense to bring in some State elected officials. Commissioner Hutchinson stated this had been done and they stated, "Doing a good job."

Mayor Naugle asked who were the state representatives. Commissioner Hutchinson stated that she had Deutsch, Rodstrom, Ryan, and Shaw's Aide, Peggy. Commissioner Smith felt they would have more jurisdiction.

Mayor Naugle remarked that FDOT was funded by the State Legislature so the State Representative and State Senator should help.

Commissioner Smith stated the City Commission would agree to help in any way possible, but they did not have the funds to retrofit the road, and the State Representative was really in the "hot seat." He continued stating that Commissioner Hutchinson would invite the state officials to the December meeting. Commissioner Smith asked if there were other mitigation measures, short of the wall, such as lush landscaping that could be done.

Commissioner Hutchinson stated that the bridge was 55' into the air, and the wall was only 22'. Discussions were held regarding rubberized asphalt on the roadway which could cut down noise. Commissioner Smith remarked that the Sunrise Bridge had been retrofitted with "quieters" because of the noise from the draw bridge bothering the community, and possibly there were other types of technology that could be used in this situation. Commissioner Hutchinson stated that they had put everything on the table, and were constantly being told that nothing could be done.

Commissioner Katz stated that they basically did not want to spend the money.

Mayor Naugle suggested that a resolution be prepared stating that the City would withdraw their support for the bridge if they did not deal with the noise. He believed that the City had stated they supported the 55' bridge because it helped solve problems with the river crossing, but should reiterate that the City wanted the Federal and State governments to effectively deal with the noise or the City would proceed to withdraw its support for that bridge. He further stated that the representatives should be involved and for everyone to contact them, and a list would be drawn up with names and phone numbers.

Commissioner Katz asked about involving environment groups since noise pollution was an issue.

Ms. Jacobson stated they did not have a lot of luck with those groups and unless pile driving would be done, they would not get involved.

**Action:** Resolution be drafted for the December 10 Commission meeting to send to the State and Federal officials.

### **I-B – 2003 State Legislative Agenda**

The City Manager stated that Mr. Bentley would present the legislative agenda, and the Lobbyist Linda Cox was present from Tallahassee.

Mr. Bentley referred to Item No. 3 on the list and explained that it had been vetoed last year, and the Governor's veto message was included. They did hire people to work out interlocal agreements such as the one Palm Beach County had and would follow up on this, but they did not expect it to move

legislatively until all remedies had been exhausted. He further stated that Item Nos. 4 through 9 needed to be submitted into the process. They currently had three in progress at this time, and Riverland Park would be the next item.

Commissioner Hutchinson asked for clarification on what the three were in progress at this time. Vince Gizzi stated that they were: Carter, Carter, and Palm Aire Village. They were attempting to close out Palm Aire Village so they could apply for Riverland. Commissioner Hutchinson asked if they were still short on money for Carter. Mr. Gizzi replied it was all part of the project to apply for the two grants in '99 and 2000. Commissioner Hutchinson clarified that Carter was funded, and Mr. Gizzi confirmed.

Mr. Kisela stated that they would keep moving the grants to other sites which had needs. Carter was fully funded. Mr. Bentley stated that Carter was under construction and until monies were fully expended, improvements built, and the grant was closed out, they could not apply for another grant.

Commissioner Katz reaffirmed that Palm Aire would be completed by January. Mr. Kisela confirmed.

Mr. Bentley stated that in the "good ole days, they would have submitted Item Nos. 4 through 9 for member projects, but given the current state of the economy member projects were always vetoed, unless they went through a state-wide planning process. It was expected that no one would even agree to sponsor those projects.

Mr. Bentley proceeded to page 2, Item No. 1 which related to the undergrounding of power lines. He stated that due to discussions held with Commissioner Smith, he was suggesting that this matter be referred to the Utilities Advisory Committee in order to work on specifics regarding requests to be made to the State. He commented that until they had those specifics, a legislative proposal would not move forward.

Commissioner Smith stated this was a good idea, but they needed to move quickly on this matter.

Mayor Naugle suggested that this matter be discussed at the Utilities Committee's next meeting and have them bring back information to the Commission at their next meeting.

Mr. Bentley proceeded to Item No. 2, Convenience Business Exemptions. He explained that they had attempted to get changes about two years ago to the Convenience Business Security Act which had been unsuccessful. He stated that Commissioner Moore had brought this back before the Commission, and they wanted to ask the Attorney General for his support in this matter.

Commissioner Hutchinson stated that she wanted to make sure that the River Oaks Drainage project did not move, and they did everything they could to get it funded.

Commissioner Smith clarified that they could not apply for any of the parks grants until the other three were closed out, but he wanted to make sure that the ones currently on the list would remain.

Mr. Bentley stated that the Commission had given input on Riverland and Item Nos. 5 through 9 in the priorities suggested by the department.

Commissioner Smith stated that he felt a discussion was warranted regarding Festival Site, Item No. 7. He believed that most people were concerned about the site, and that it was far away and very unpleasant. The ULI had just suggested that festivals should be held on the beach, and he was not sure if this site should be upgraded at the cost of \$650,000. He suggested that before any decisions were made discussions should be held regarding the location of festivals, what size festivals were appropriate for the downtown area and the beach or should everything be at Lockhart.

Mayor Naugle stated that many of the festivals held at Festival Park were intended to be money makers for the department, and it would be good to see how profitable they were before giving approval for the upgrade.

Commissioner Hutchinson stated that two of the festivals were well renowned. One was the Blues Festival and the other was the Cajun Festival. She wanted to see how much revenue those two festivals brought to the City.

Mayor Naugle stated that if the festivals were bringing in revenue, then it would justify upgrading the area. Commissioner Smith stated that some of the festivals held were very small and did not attract a crowd, but possibly if they were held at a different location such as the beach more people might attend. Mayor Naugle stated that some of the festivals involved a lot of music and were very disruptive to the surrounding neighborhoods. Commissioner Smith reiterated that he thought it was a good idea to discuss this matter.

Commissioner Smith proceeded to ask if Lincoln Park was going to move ahead regardless of what happened with the One-Stop Shop. Commissioner Moore confirmed. He explained that the Community Center would be at the rear of the property and was a great desire of the community.

Commissioner Katz asked where the Superfund area was located. Commissioner Moore replied that it was closer to Sistrunk Boulevard.

Mayor Naugle stated that if you reviewed the number of existing community centers, how did they compare in distance to Carter Park or were there other areas that had a greater need for a community center. Commissioner Moore suggested that they obtain the information from the appropriate department head, but he felt there was a larger concentration of children in this particular area.

The City Manager stated that they would bring in a map showing the population density. Mayor Naugle stated that he would support this center, but did want to see the information requested.

Commissioner Smith asked if Hardy Park could be added to the list as Item No. 10. He believed they were presently working on an interesting strategy that would involve some money and felt this park should be added. Mayor Naugle suggested that the South Side School renovation and historic grant should be included and this site could possibly serve as a community center which could have a different funding source through the Secretary of State's Office.

Commissioner Katz asked if Commissioner Smith agreed with the location for the Skate Park. Commissioner Smith stated that he felt its location at 1036 NE 3 Avenue was unusual and asked how it was chosen. Mayor Naugle remarked that it was part of the State parcel.

Mr. Bentley stated that since there was no time element on any of the park grants, he suggested they do a conference item on all parks because the department wanted to discuss these matters with the Commission. He explained that Item Nos. 5 through 10 did not have to be approved at today's meeting.

Commissioner Smith reiterated that the Skate Park was a great idea because the kids had to go to Sawgrass Mills or they used the wave wall on the beach. Mayor Naugle stated that this was something the Downtown Development Authority was interested in and they even suggested helping with the funding.

**Action:** The City Commission agreed Item Nos. 5 through 10 would be discussed and voted on at a later date.

Mr. Bentley stated that they still had on the "To Do List" demolition by neglect, and staff and the Historic

Preservation Board needed to work out some details, but this item had not been forgotten.

Mayor Naugle referred everyone to page 2, Item Nos. 10 through 24. He asked for a clarification of Item No. 15, Auto Theft - Anti-Theft Device, and asked how this worked and were they considering making it mandatory for drivers to use "The Club."

Mr. Bentley stated they were suggesting using "The Club" or a disabling device as a cast-cutoff switch. Mayor Naugle asked what would happen if someone did not use such a device.

Jim Hurley, Assistant Chief, stated that they were hoping to work with State anti-theft investigators and the Florida Motor Vehicle Theft Recovery Unit, and try to figure out ways to have motor vehicle owners prove they had such items at the time of registration; otherwise they would not be able to obtain their registration. He explained that they would be trying to restrict re-registration with this item.

Commissioner Smith stated that he agreed with the Mayor and he was opposed to this item. He felt the burden was being placed on the victim. Mayor Naugle stated that instead of making it mandatory, they could just encourage other methods, such as the VIN etching. Jim Hurley stated they were proposing this for several years and they were seeing a lot of this occurring. Industry standards were changing and due to modern technology, this could become a moot point.

Mr. Bentley asked if it would be more acceptable to the Commission if the proposal required the manufacturer or seller of the vehicle, manufactured after a certain date, to equip it with some sort of anti-theft device. Commissioner Smith stated that in Item No. 16, VIN Etching, it stated that the best solution was for the automobile manufacturers to etch the VIN on the windows. He felt the burden should be placed on the automobile manufacturer, but not on the customer. Mr. Bentley remarked that since there were very few manufacturers in this State, possibly this burden could be placed upon the seller of the vehicle. Commissioner Smith stated he would agree with that also. Mayor Naugle remarked this was okay, as long as the penalty did not fall upon the owner of the vehicle.

Commissioner Katz stated that last year the Shopping Cart was done and they discovered it could not be amended due to being a State Statute, and she wondered if they could go after that again because the problem still existed.

**Action:** The City Commission agreed to support legislation regarding abandoned shopping carts.

Commissioner Smith stated they were not having luck regarding funding for the Juvenile Intervention Facility.

Jim Hurley stated that the Broward Chiefs Association were working on this and preparing to make recommendations regarding additional funding from the State and possibly working out a deal with the Sheriff's Office to take more control of it. Now, it is not as effective as it should be. Commissioner Smith asked if this could be included in their legislative action so additional funding could be obtained.

Mayor Naugle stated they could support funding for this. Jim Hurley suggested that the Commission wait until they hear the recommendation from the Broward Chiefs Association. Commissioner Smith agreed.

Commissioner Smith stated that he thought there was a bill last year that would control automatic weapons such as the Tech 9's and Oozies, and asked if it had passed. He suggested if it was up for approval, he would like to see the Commission support such a bill.

Mr. Bentley stated that in terms of process, it would come before the Commission a couple times and it would also go to the Florida League of Cities in the legislative package, and other items would be rescheduled.



Mayor Naugle asked about the issue of towing from private property. Jim Hurley stated this involved complaints from citizens who reached their car as it was being towed, and they had no way to regulate the charge. Mayor Naugle suggested that they needed to prohibit people with criminal backgrounds from entering into such a business. Jim Hurley stated that they made the same type of recommendation regarding pawn shop legislation. Mayor Naugle agreed and stated that this towing matter also should be included.

Commissioner Katz asked if the Tourism Development Bureau was handled by the State or did the County have control. Mayor Naugle stated that would be legislation where cities would share in the revenue and definitely would be a State legislation matter. Commissioner Katz suggested that this matter be pursued because she felt a lot was being put in, but the City was not receiving much in return.

Mayor Naugle stated that if they proposed that, they would get support from other cities. Commissioner Smith remarked that some counties had a different ratio. Commissioner Hutchinson agreed. Mayor Naugle remarked that it was different in Miami Beach because it had been grandfathered in, and he suggested a coalition of cities be put together, but there would be opposition from the counties. Commissioner Katz believed the matter was worth looking into.

**Action:** The City Commission requested a Conference item be scheduled regarding the Convention and Visitors Bureau and how its revenue was received and distributed.

Commissioner Katz stated there was resistance in handing out that money except for things they deemed important, such as marketing and the arena to the west. Commissioner Smith stated that 55% of the bed tax came from Fort Lauderdale.

**Action:** The City Commission agreed to support Legislation for cities to get a direct portion of the bed tax.

Mr. Bentley asked if the Commission wanted to agenda the Convention and Visitors Bureau. Commissioner Smith suggested that a status report be given.

Mayor Naugle stated that they needed to develop a strategy and Linda Cox might be able to assist them, and possibly other cities would be interested in such a proposal with a population over 150,000.

Mayor Naugle stated that they were going to include FPL, but to be defined by the Utilities Advisory Committee. He reiterated that the Commission did support the convenience business. He further stated that the CRA regulations had been discussed at the Mayors meeting in Orlando, and the bigger cities were behind fighting this, along with forced annexation. He felt they needed an item scheduled regarding preservation of home rule in connection with forced annexation and de-annexation. Commissioner Smith stated that he was not sure about the forced annexation. Mayor Naugle commented that this would probably come from them in the end and it could be used in an attempt to take it away from them. He stated that the areas they could get back did not bring in much revenue. Commissioner Smith stated some areas needed a commercial district in order to make them viable. He was not sure if there was any other solution other than de-annexation.

**Action:** As discussed.

#### **I-C – South Florida Regional Planning Council - Revolving Loan Fund**

The City Manager stated that this information had been requested by Commissioner Moore, and Cheryl Cook would answer any questions the Commission might have on this matter.

Commissioner Moore stated that he had been involved with the Revolving Loan Fund through his

involvement with the Broward League of Cities who had appointed him to the South Florida Regional Planning Council. He stated that the Council received this money due to the efforts of the Beacon Council who was not following through with these funds. The Council then created the Revolving Loan Fund Committee consisting of five members.

Cheryl Cook, Economic Development Specialist for South Florida Regional Planning Council, stated that Commissioner Moore led the Loan Program and due to his leadership they had loaned over \$2 Million to 13 businesses. They also had created and retained about 130 jobs in the region. She explained that this program was not only for Broward County, but for Miami-Dade and Monroe Counties, as well. She continued stating that these funds were obtained from the US Department of Commerce, Economic Development Administration. It was a program that had been initiated due to Hurricane Andrew in Miami-Dade County.

Ms. Cook further stated that the best economic development plan for this region was to develop the small and medium sized businesses. This was a special program for existing businesses that could not obtain conventional financing. Criteria still had to be followed and the loans ranged from \$50,000 to \$300,000, but no loans were made to non-profit organizations. Ms. Cook stated that all loans had to be secured, and the interest rates were comparable to the bank. She explained they were presently loaning above prime and the loans ranged from 5.75% to 8.75%. She continued stating that they had to look at the risk for each loan because they were taking in borrowers who had been refused by the banks.

Mayor Naugle asked what types of companies had received loans from this program.

Ms. Cook replied that they worked with the TMA and Luxury Limousine Services. She explained that they had provided funds to purchase shuttle buses for TMA. She continued stating that the gas station on Las Olas was going to be converted to a convenience/Subway store and they helped with the financing for that. She also stated that they gave financing for a shopping center in Coconut Grove.

Commissioner Katz asked what had been their yearly budget. Ms. Cook stated they had loaned \$2 Million and had approximately \$1.5 Million left which could be loaned out until August, 2003. She also explained that the program was administered by the South Florida Regional Planning Council.

Commissioner Moore stated that this was a great opportunity for areas such as the CRA, as well as for businesses that had a difficult time in obtaining bank loans even though they had a proven product. Many individuals had applied, but not been approved yet. He explained that the door was opened to everyone so they could see what this program had to offer. He stated they emphasized this program to areas where there was a lack of investment or bank denials for particular business operators. He further stated that due to their success, possibly they could obtain additional funds from the Federal government.

Mayor Naugle stated they needed to target the CRA, EZ, and the Economic Development Department.

#### **I-D – City's Economic Summit Report**

The City Manager stated that the report from the Economic Summit which was held on October 9, 2002, had been included in the packet of materials that had been distributed to the Commission.

Commissioner Moore left the meeting at approximately 2:30 p.m. and returned at 2:33.

The City Manager proceeded to publicly thank the members of the Economic Development Steering Committee, Steve Queoir from the Chamber, Linda Cook, Steve Hickman, Larry Behar, and the consultant Don Upton for all their hard work.

The City Manager stated that it was decided at the summit not to let a lot of time pass before proceeding

to the next steps. He explained that the main point from the summit was that they needed to develop an economic development business plan which would be the linch-pin in their being able to move forward with a sustainable economic development program in this City. With a very aggressive schedule, a plan could be prepared by January 22, 2003, for the Commission to consider adopting.

Commissioner Hutchinson left the meeting at approximately 2:29 and returned at 2:32 p.m.

The City Manager stated that he was requesting endorsement by the Commission so they could proceed with their schedule. He explained there were a number of other recommendations made which they felt they could begin implementing immediately, not the least of which was the emphasis placed on having a Branding Committee to review how the City could enhance their incentive packages. He explained it was his responsibility to say that none of this would happen without appropriate allocation of resources, and would not happen over night.

The City Manager stated that he would commit to the Commission that he hoped to have a staffing plan before the end of this year for an economic development structure, along with a more developed plan on how they desired to work with their partners, the Beach Chamber, Broward Alliance and Broward County. He further stated that the Chamber had submitted a proposal to him relative to an expanded role they might take in the future.

Steve Queoir, resident of District I and President of the Chamber, stated it had been great working as a team with everyone on the Economic Development Steering Committee. He stated that they felt there were many positive elements and it was critical to keep this momentum moving. The time frame for the business plan was very aggressive, but they had great partners to pull it off, along with high prioritization from the Chamber and great benchmarking research with other communities. In terms of ongoing work, the Branding Task Force and incentives were crucial, and some of the target industry work would begin during the business plan preparation period. He felt some of the small business initiatives that were taking place could have better coordination. He stated there was a meeting scheduled about a new economic development administration grant opportunity, and they would continue to seek their fair share of available Federal money. He stated that Michael Mathias was a great contact point because prospect activity was pretty decent.

Linda Cook, Vice-Chair of the Chamber's Economic Development Committee, stated that she felt the community had seen the camaraderie even though it had been such a diverse crowd consisting of various industries. She stated that she knew there were monies out there that could be used to help develop the northwest quadrant. She continued stating that they needed to retrain the people who were laid off so they could work in the areas they were targeting.

Mayor Naugle thanked everyone for attending and stated it had been a very upbeat group and there were many challenges facing everyone to make the community better.

Commissioner Smith stated that he had been impressed by the Summit and its participants and was curious to see what the City Manager would say, but he did say all the right things. One of the big recommendations was that there be a "go-to" person at the City who would bring together all the entities which dealt with economic development, and make sure everyone was heading down the same path. He reiterated that the City Manager promised to deliver a plan to the Commission by the end of the year, and in the interim Michael Mathias and the City Manager would temporarily fill the "go-to" position.

Commissioner Katz stated that she wanted to add her accolades to the work the Steering Committee had done, and she had been very impressed with what had been accomplished and how everyone worked together. She emphasized that they did not want to drop the ball now that things had begun rolling. She stated that she wanted to make sure funds were available to hire this "go-to" person.

Commissioner Hutchinson congratulated the Steering Committee and Michael Mathias on their hard work, and she felt there was a great deal of comradery, including the businesses and that everyone was working toward the same goals. She emphasized that the Commission would do everything they could to make the Economic Development Plan successful.

Commissioner Moore stated he also was very impressed with the Summit and felt the players were very appropriate and the involvement was diverse. He stated that his greatest concern was what role the City should play in this or if they should play a role. He felt that when one dealt with economic development, one was dealing with the business community and allowed the enterprise system to take control. Over the years and all the government entities which had played this economic game, he never saw an outcome that one could point to and say this governmental employee made a difference. He had never been satisfied with that yet and did not know if it was appropriate to use funds in hiring a staff person. He suggested that money be put into a pool, and the entities at the Summit could also contribute, so that a "go-to" person could be available, but he was not certain that it should be an employee of the City.

Commissioner Moore stated that in looking at the Economic Development Department over the years, he did not see an outcome as to what success the City had in sustaining employment, keeping a business located in the City, or creating a business within the City. He asked the City Manager to obtain these statistics for a future meeting. He believed that all the recommendations made at the Summit were the same things he had been hearing for the last 25 years. He stated that over those years he had heard that economic development was needed along the Sistrunk Boulevard corridor, but he had not seen one major employer in the City through all those visionings place employees in that corridor. He stated he didn't know if the fault lay within the marketing methodology because the enterprise zones had been created, along with the CRA, and yet nothing had happened. He stated that he was not convinced in saying what should be done was successful without finding a point person whose survival was based on that success. He stated there had been support on this from everyone, but yet no employers opened up any type of business along that corridor in 25 years.

Mayor Naugle stated that he knew of a business that was about to open up in that area due to a loan they received from the Commission. He continued stating that an insurance office was going to open at the corner of Andrews Avenue and Sistrunk Boulevard which would create a lot of jobs and be a good addition to the neighborhood.

Commissioner Moore asked why it took 25 years to get one business to open in that area. He stated that he really appreciated the Summit, but he still heard the same things over and over again. He stated that he wanted to focus on what could be a result-oriented methodology to create business opportunity and business expansion within the City limits. He reiterated that he did not want to have a government employee leading the charge and preferred someone who had a stake in the economic development who would put their future on the line.

Mayor Naugle stated that the Commission was open to such an idea and that might be the direction that the City Manager was headed in contracting with other organizations and entities, but there still needed to be someone in the City who could assist during the building permit process. Commissioner Moore reiterated that the City employee did not have to be called an economic development person, and could be a trouble-shooter. Mayor Naugle reiterated that the Commission was open to the idea of coordinating with other entities, but they needed to give the City Manager an opportunity to return with a strategy.

Commissioner Katz stated that part of the problem in the past had been the revolving door that was at the Economic Development Department, and its lack of stability to give what everyone was looking for from that department. She further stated that now the timing was good because things had begun happening on Sistrunk and the surrounding areas. She felt the combination of getting a stable person to be the head of the department, combined with recent undertakings, could get things moving in the right direction.

Commissioner Moore reiterated that he hoped there would be some outcomes. He stated that if Broward County with all its economic development advisories, the Chamber of Commerce, Broward Workshop and the Alliance, caught one "bird" everyone would say they caught the bird.

Commissioner Smith stated that Commissioner Moore was frustrated due to the fact that the right type of progress had not yet occurred in his district, and he felt the same way regarding certain areas in his district. He stated that if they relinquished control of that "champion" for economic growth and had it on the outside, there would be less input causing more frustration.

Commissioner Moore stated that if he looked at this on a budgetary basis each year, if progress was not made he could refuse the funding. He felt something really needed to be done. There were disadvantaged businesses in the City and they did not hear the business community advocating for governmental entities in their location to create an opportunity for development, and he was not pleased with the situation.

Mayor Naugle stated they could make a list of projects and employers and businesses who located within the City with the assistance of City departments, and businesses who had grown. He agreed they needed to do more, but did not feel there hadn't been results, because results were evident.

Commissioner Moore stated that they had differences of opinion on the matter, but in looking at State Road 84 he saw nothing but disinvestment. Oakland Park Boulevard west of Federal Highway also had a lack of investment. The heart of the northwest quadrant had nothing. He felt they needed to make improvements in such locations.

Commissioner Smith remarked that he felt the citizenry committed more than they ever had to those areas.

The City Manager stated that he understood the challenge in regard to performance, but he wanted to get the Commission's concurrence to mail out the report from the Summit and announce the next "mini-session," and then he would return with the business plan and hopefully everyone would begin seeing some results. He stated the plan would give them a basis of performance to review so all concerns could be addressed.

**Action:** Business plan would be prepared and presented to the Commission.

#### **I-F – Broward County Convention Center (PZ Case No. 5-R-99)**

The City Manager remarked that they had collectively recommended a six-month temporary Certificate of Occupancy.

Nicki Grossman, President of the Convention and Visitors Bureau, stated that all life safety issues had been resolved. She remarked that they had hosted the most successful Boat Show ever held and had done it with a temporary Certificate of Occupancy due to the fact they had been unable to complete construction on the required 279 parking spaces. In January, 1999, they came before the Commission with their initial project, and at that time they proposed a parking garage that would provide the necessary spaces, and the Commission had agreed that could be included in the project. Due to 9/11, many changes occurred at Port Everglades and problems arose regarding traffic circulation and the parking spaces. She stated they were acquiring 4.2 acres immediately west of the Convention Center formerly known as the Show Management property that had been acquired by the County. She explained that they had done a quick-take of the property. She stated the County owned the property and there was a leasehold on the site for 50 years and they were presently in year 27, so they felt it was advantageous to acquire it and begin controlling the density around the Convention Center site.

Ms. Grossman stated they acquired the site and as the construction project of the expansion was progressing, equipment was being set on the property but they were unable to initiate the project. They were now prepared to do this and the site had been cleared and there were 325 marked spaces, and in order to comply with the new Code they were requesting they be permitted to operate with the temporary CO for six months. She further stated that Construction Services had been working with them to determine the amount of time that was needed. She felt they could have the project permitted and constructed within 12 months. She stated that they were requesting this amount of time due to the fact that one of their largest conventions was due in May, and reiterated that May through July were very busy months at the Center.

Chris Zimmerman, architect, stated that they had relandscaped the site and changed the striping and would meet the requirements of today's Code and would be providing 314 parking spaces, which exceeded the 282 that were required. He explained there was a small building on the site which could serve either as an office or a warehouse. He further stated that the handicap parking would be provided in the garage. He stated that Eisenhower Boulevard was heavily landscaped and buffered the parking, and they were adding new landscaping in front of the building.

Mayor Naugle asked Commissioner Hutchinson if six months was too long. Commissioner Hutchinson stated that six months was okay, but she wanted it to come back before the Commissioner before another six months would be granted.

Commissioner Moore recommended that they grant nine months to get them through their busy season, but yet have them appear back before the Commission and this could motivate them to meet the time tables set. Mayor Naugle remarked that he preferred they be granted six months. Ms. Grossman stated that their busy time began now, and May through July was the next heavy period of activity. Mayor Naugle remarked that they had many issues with the County at the present time, and he was more comfortable in granting six months.

Commissioner Smith stated that he agreed with Commissioner Moore's suggestion of nine months, but to add a caveat that Ms. Grossman inform the County how easy the City's Commission was to work with on this matter. Commissioner Katz agreed to granting nine months.

**Action:** Nine months be granted and if an extension of time was needed, they would reappear before the Commission.

**I-J – Proposed Temporary Road Closure and Staging Area in Public Right-of-Way (ROW) - Portion of North Atlantic Boulevard - The Pelican Beach Resort**

**Action:** Approved.

**I-K – Proposed Temporary Road Closure and Staging Area in Public Right-of-Way (ROW) Portion of South New River Drive - The Esplanade Development**

Mayor Naugle stated that he thought there was a caveat attached to this item regarding traffic. Commissioner Hutchinson asked about the boat dockage in the area.

Michael Spencer, Project Manager, stated that the boat dockage had been closed until the completion of the seawall.

Nick Sakhnovsky, property owner on 5<sup>th</sup> Avenue, proceeded to draw a diagram of the area and explain the situation. He explained there were a lot of construction vehicles in the area which blocked entrance to their homes. He stated that David Rose, President of the Tarpon River Association, wrote a letter dated November 4, 2002 regarding this matter. He stated that there were two options. One was that they make

sure that the construction traffic egresses back on 4<sup>th</sup> Avenue to 4<sup>th</sup> Street to exit. Another alternative was to have some sort of traffic calming in the area. He explained that the bridge was causing the problem and they should be egressing through a normal two-way street.

Commissioner Smith asked if there was any way to make the temporary road a two-way street. Mr. Sakhnovsky stated that he assumed it was a two-way. Mayor Naugle stated that if it was a two-way, you would not be able to make the turn back on to 3<sup>rd</sup> Avenue.

Mr. Spencer stated that was part of the problem, but the other problem was that the Housing Authority did not have a lot of property and there was only room for a legal one-way. He stated that the initial plan was for the trucks should turn around and exit. He explained further that some of the larger trucks would not be able to turn around on the property and would have to exit the other way.

Mr. Kisela stated that the contractor had committed to the trucks turning around and exiting, excluding the larger ones. Commissioner Hutchinson asked how the situation could be policed. Commissioner Smith stated that possibly a stationary barricade could be erected to prevent them from going through. Mr. Spencer stated there would be barricades on the property, and the tanker hopefully would go away. Mr. Kisela remarked that the tanker was not attributable to the problem. Mr. Sakhnovsky replied that the problem was the combination of things. Commissioner Hutchinson stated the tanker would still be a problem and would be maneuvering under the bridge which would not be able to accommodate such trucks.

Mayor Naugle remarked that if the tankers went out the other way, there was a residential area located in that vicinity also. Commissioner Hutchinson stated that the developer was causing the problem, and therefore, should pay for whatever was necessary to resolve it.

**Action:** Rumble strips would be installed to slow down traffic in the area.

**MEETING WAS RECESSED AT 3:14 P.M.**

**MEETING RECONVENED AT 3:45 P.M.**

#### **I-E – Replacement of Community Bus Transit Vehicles**

Commissioner Smith stated that he had brought this matter before the Commission and the transit provider was present at today's meeting. He explained that they had gotten a resolution from T-Max and a resolution passed unanimously by the MPO to support their efforts.

Commissioner Katz left the meeting at approximately 3:46 p.m. and returned at 3:47 p.m.

Commissioner Smith stated that the current T-Max buses were not very inviting even though the transit ridership had increased. He further stated that six buses had burned and instead of making the provider hustle and buy the same type of unsatisfactory vehicle, they figure out a strategy to replace them with nicer trolleys. Commissioner Smith proceeded to pass out photographs of various types of vehicles.

Commissioner Smith stated that he had heard the City was going to fine the provider in violation of his contract if he did not immediately provide replacement vans. He felt they needed to take some action so the provider would not be fined, and so they could figure out a strategy on what to purchase, and how they could bridge the gap between the cost of the buses and the more expensive trolleys.

Brian Williams, LLS Ground Transportation, stated that they were currently using 15-passenger vans which did not meet the ADA requirements. He stated they had a company which was supplying wheelchair service so they would be in compliance with ADA, and by the end of the week they should

begin bringing in replacement vehicles which were similar to the old 20-passenger vehicles. He explained they could enter into a short term lease agreement with ABS Plaza to provide the vehicles, but in the interim they needed time to find vehicles. He stated that the ultimate goal was to get the trolleys and give the community what it deserved.

Mayor Naugle asked if there was a financial impact involved. The City Manager confirmed and stated there was a differential between the cost of the current vehicles and the ones they desired to purchase, and he was not sure how they could bridge the gap.

Commissioner Smith stated the current vehicle cost about \$65,000 and the trolleys ran from \$110,000 to \$150,000 depending on amenities. He explained there was a "transit pot" of committed funds in the City that had been received from various developers. He explained there was a commitment from the Capri for \$200,000, and he was aware of four other developments in the City that either already contributed funds or would be contributing. He explained that these monies did not have to be paid until the time of CO. He stated that he had discussed with the developer of the Capri, the matter of contributing his money up front, and then having his commitment discounted.

Commissioner Hutchinson asked if those monies had been designated for transit in the beach area. Commissioner Smith stated that he thought it was for the general transit initiative. He further stated that it appeared they were successful regarding Federal appropriations for transit on the beach, and the commitment was towards the transit initiative which encompassed the beach and Las Olas. He didn't think there was any legal objection to taking the monies and purchasing the trolleys.

Commissioner Smith stated if they only purchased three trolleys for the downtown area, the differential could be possibly between \$150,000 and \$300,000, and possibly they could ask the DDA to help out because they were very frustrated that good trolley service was non-existent. He suggested that they could even review the loan program, but the main thing today was that they needed to agree to move in the direction and work on the details.

Commissioner Hutchinson stated that they needed to allow some flexibility to the provider while the matter was being worked on. Mayor Naugle agreed and asked the City Manager to return with a formalized recommendation on how this could be done.

Commissioner Smith stated that the Commission also needed to tell the City Manager that he should not fine the operator in the interim for non-compliance.

The City Manager stated that this pertained more to the ADA requirement pursuant to the Community Bus Program Funding. Technically, they were in default, but with the back-up plan this would be acceptable in terms of meeting the requirement.

Horace McHugh, City Manager's Office, stated that they were operating under a contract with TMA. The funds were restricted and governed by ADA and they could not arbitrarily "wave the wand" and say you could not provide so many vehicles or ADA services. They had consistently thought this was a concern, and for the service to be productive and worthwhile they would have to provide equipment for 20 passengers. In addition to other rules, it had to be ADA accessible. He felt these concerns could not be overlooked. He heard the request as being the running of 15 passenger vehicles.

Mr. Williams stated they had plans to bring on the 20-passenger vehicles, but had time constraints. He explained they were special order vehicles and the availability was not there for this type of equipment. He stated that ridership had decreased but was stabilized at this point.

Mayor Naugle stated it was a noble goal to obtain the trolleys, and the operator probably had issues with his insurance carrier regarding the temporary vehicles. He stated that he would like to have more of a



"signature" vehicle for the City.

Commissioner Smith stated that tomorrow the state-of-the-art light rail transit trolley and express bus would be displayed. He felt they needed interim improvement. Commissioner Hutchinson stated the vehicle needed to be more inviting.

Mayor Naugle stated that he would like to create something like the "Lauderdale Liner", which was a vehicle that resembled a water bus.

Commissioner Katz stated that another option would be to buy whatever number of vehicles they had the money for, and at least it would be a start.

Commissioner Smith asked about discounting the commitments. He explained that they had told the developer of the Capri if he wanted to build the hotel, he would have to pay \$200,000 into a transit fund. The developer had to pay it once the building was built, but if the money was paid ahead of time, a discount could be given.

Paul Carpenter, Transportation Management Association, stated that one solution to the ownership issue would be to possibly lease the vehicles, which would eliminate an up front cost. He suggested that possibly the expense could be shared and they could attempt to spread the cost around.

Commissioner Smith asked staff to request research regarding the leasing of vehicles.

Commissioner Katz stated that at least one ADA vehicle should service the Galt Ocean Mile area because there were a lot of elder people in that location besides servicing wheelchair users. Mr. Carpenter stated that could be the first one put into service.

Commissioner Moore stated that he felt they were jumping on too many issues at one time, and his first concern was when service would be re-established. Mr. Williams explained that there had never been a break in service. Commissioner Moore clarified that this was an ADA issue because of the replacement vehicles. Mr. Williams confirmed. Commissioner Moore asked if the vehicles were going to be leased. Mr. Williams explained that he had entered into a short term lease agreement with Atlantic Bus Sales to lease vehicles which were compliant with his contract with ADA. He stated they would have three vehicles by Friday, but would still be two vehicles short on the T-Max route and two short in Coral Springs.

Commissioner Moore asked if they could lease with a private venture person. Mr. Carpenter confirmed they could lease the vehicles and they would pay for the lease cost.

Mr. McHugh stated that part of the costs now involved depreciation of the capital, and if they would not be supplying the capital, that would have to be subtracted out of their cost.

Commissioner Smith stated that was a little more complicated and they would have to work things out. He also stated the vehicles on Clematis Street in West Palm Beach were very attractive and inviting. Mr. Carpenter advised that those trolleys were manufactured by Molly Trolley and would be exhibited at the seminar this week.

**Action:** Rescheduled for the December 10, 2002 Conference Agenda.

**Meeting Recessed For the Executive Closed Door  
Session at 4:05 p.m.**

**Conference Meeting Reconvened at 4:34 p.m.**

**I-H – Transportation Projects Funding Priorities**

The City Manager stated that this matter related to the priorities for funding transportation projects. As a point of reference, they needed to concentrate on how they could leverage the various opportunities they had which were consistent with their plans.

Peter Partington, Traffic Engineer, stated that they attempted to summarize the ongoing projects that had been funded or partially funded and were listed on Exhibit A.

Commissioner Hutchinson asked if he had skipped over the improvements for Las Olas Boulevard and S.E. 15<sup>th</sup> Avenue. Mr. Partington stated that N.W. 19<sup>th</sup> Street was funded. He believed that Las Olas was not funded. Commissioner Hutchinson remarked that there was a potential source at one time from the County and from the City with Mr. Billingsley, and she stated that possibly she needed to “twist his arm” a little harder. The City Manager confirmed.

Commissioner Smith asked if they were going to just do the dedicated left-turn lanes at Broward and Las Olas. Commissioner Hutchinson replied that things just never moved forward.

Commissioner Katz stated that Mr. Hart needed to leave, but he wanted to make some comments regarding the “big stuff” they were looking at, and asked if he could address the Commission.

John Hart, Keith & Schnars, stated that he thought what had occurred over the last few months was that many efforts had been under way which had been started by different initiatives from public policy decisions, and seemed to be going on concurrently. He stated that concerns were being raised whether all these studies would be in conflict with each other, and whether or not competition would be a result for the same pools of money which would negate the efforts of the studies. Mr. Hart stated their firm was a party to the many efforts, but not the ringmaster of any. He felt the anxiety level that was rising to the surface was particularly in regard to the timing of the conclusion of the studies. He explained that great effort had been put into the area mobility study with critical dates for completion by January so the product could go to Congressman Shaw’s office, and there would then be a stakeholder’s place for consideration during the T-21 re-authorization that would come up for discussion in the next budget cycle.

Mr. Hart stated the Master Plan was moving at a different pace and would have utilization of the information put forth by the Regional Area Mobility Study, but one study would be completed before the larger picture. One of the concerns appeared to be that when the larger picture was completed and filled in would there be a conflict. Mr. Hart stated that various items had been discussed last week at the DDA. Categorically, there was no competition for the Federal or other funding sources, but an earmarking attachment was being requested from the Regional Area Mobility Study and that was primarily what was done with the \$2 Million on the beach. Other efforts under way, which might spin off from the Master Plan or from other transit studies being conducted by DOT, were more of an MPO process which would go through a different kind of funding mechanism in order to achieve full funding. He explained it could be a partnership with the City or County, but they were not in competition with each other.

Mr. Hart continued stating that they were not in competition for any of the same funding, but there was no over-arching coordinating effort taking place with the studies. Possibly, it might not be necessary at this point in time, but as they matured they would have to see if everything fell in line with each other. But later on, the City would have to make sure there was one plea going out to DOT and the Congressional Offices so things would not be in conflict and matters would be prioritized.

Mr. Hart stated the only other element he wanted to mention at this point in time was that Barry Goodman of Goodman & Company had repeatedly said that the City had already made substantial significant investments in streetscape and transit improvements. Even elements which would move forward through the DDA and other efforts within the City were substantial investments. All could possibly be leveraged in

an overall Federal funding request, even the monies being used for the beach which were for specific parking or transit enhancements envisions a linkage to take place with the Master Plan for the downtown and other areas of the City. He felt it was important that as they went through the maturation process and they got to a point where the studies would have to be linked together or overlaid, the City would then have to prioritize the items, and identify the monies which had already been invested through different sources, and make sure those monies were not invested in unleveraged fashion. He felt the monies should be brought together and serve as a local match.

Mayor Naugle asked the City Manager if this was the strategy he was developing.

The City Manager stated that was part of it. He continued stating that he had spoken with Mr. Hart in terms of trying to focus this discussion, and he felt they had been trying to find a means of building upon and getting recognition for all they've done.

Commissioner Smith asked if the philosophy was that the mobility study was the transportation component for the Greenberg Study. Mr. Hart confirmed and stated that the mobility study was the place holder in the process. He continued stating that there would have to be a refinement of prioritization from the suggestions once the stakeholder placement had been made.

Commissioner Smith asked if the funding would span 5 to 6 years. Mr. Hart confirmed.

Mayor Naugle stated that when he met with the other mayors in Orlando, they discussed the need on a Federal level to keep the projects funded for urban areas, and they suggested the idea of having transportation block grants administered directly to the cities. He further stated that they had decided that they would work through the US Conference of Mayors and the National League of Cities. He stated this would be a long range strategy, but it could be a quicker route than trying to get in on a funding list. He further stated that as the gas tax funds keep going on and the National Transportation System with Interstates were building less and less, monies could be available for urban projects.

Commissioner Hutchinson stated that one of her priorities had been the LAP Agreement for State Route 84. She realized that this was not a priority for the Engineering Department, but she was never able to get a straight answer on the status of the matter.

Peter Partington stated that it was a paperwork issue and the final set of forms had been delivered today to DOT by Mike Ciscar, but it was a bureaucratic process. Commissioner Hutchinson asked once it went through them would it come back to the Commission for approval. Peter Partington stated that the Commission would have to formally approve the agreement.

Commissioner Smith stated that the list had been presented to the Commission in hopes that it would be cut down, but he could not find anything to take off. He felt it was all integrated for the master plan for the City and transit.

The City Manager stated that instead of paring it down, Mr. Hart felt that now was not the time to do that. He reiterated that there was a lot on the City's plate, and if a funding source was identified and you had to make a choice, it would then come back to the Commission.

Mayor Naugle felt the purpose of the meeting tomorrow at the Signature Grand was to try and get cities and Broward County to begin thinking about some long range projects. He further stated that somewhere down the road they might have to do something like Dade County did with the sales tax. He stated that the cities then told Dade County that they would get 20% off the top to be used for transportation projects.

Commissioner Smith stated that he was not so sure that this was a bad idea and he realized no one would offer it up in an election year, but it did make sense. There were a lot of needs and with a ½ cent

sales tax many items could be addressed on a short term.

Mayor Naugle reiterated that when the time came for such a thing to occur, a strategy had to be developed whereby the cities would give forth a united front.

**Action:** As discussed.

#### **I-G – Creation and Appointment of Members - Code Committee**

Commissioners Smith and Katz stated they were not ready to appoint people to the committee.

Commissioner Katz asked if there would be a professional from staff to oversee and guide the committee, and was there a necessity to visit other cities and see what they were doing.

The City Manager stated that Lori Milano indicated in her report how they would use other advisory board members and staff in this project.

Mayor Naugle stated that if some of the Commissioners were not ready to make their appointments he felt this matter should be rescheduled.

**Action:** Reschedule for the December 10, 2002 Commission Conference Agenda.

#### **I-I – Ancestral Legacies, Inc. (ALI)**

Commissioner Moore stated that he had the opportunity of working and seeing the success of this particular operation.

Ernestine Ray, President/CEO of Ancestral Legacies, Inc., thanked the City for their past support. She stated that this particular project was the fourth of a series of programs titled "Colors and Textures of Our Legacy." She explained that their material was being used by the School Board of Broward County. She also stated that they had received funds from the International Culture Exchange Grant in Tallahassee. She stated that they had gone to Ghana to do research and brought back artifacts for their exhibit. She continued stating that they were doing a film festival and were working with the African-American Research Library regarding their exhibit.

Commissioner Katz stated that they had given this group \$6900 last year as did the Department of Cultural Affairs. She continued stating that the City of Lauderdale Lakes also gave \$1000. She suggested the same amount be given as last year and the group could seek additional funding from other sources. Mayor Naugle remarked that they could possibly contribute \$7500 which would be half of the amount. Commissioner Katz stated that Fort Lauderdale was not the only City which would profit from this, so other cities should contribute and participate.

Ms. Ray stated that the Broward Cultural Affairs gave them the bulk of the money to purchase the items for the exhibit.

Commissioner Smith felt the Broward Cultural Division was the appropriate place to obtain funding.

**Action:** City would contribute \$7500 to this program.

#### **II-A – Budget Advisory Board - Revised Term Period**

The Commission had no objections to this item.

**I-L – Performance Evaluations - City Manager and City Clerk**

Mayor Naugle stated that he had spoken with both individuals, and stated that he would receive comments from the Commissioners on this item.

Commissioner Katz stated that she also had spoken with both parties and had made comments to both of the individuals.

Commissioner Smith stated he had the opportunity to speak with both parties. He stated that he had a long discussion with the City Manager. He felt that he had been a strong manager and provided consistency to the City. He appeared to be the most “unflappable” human he had ever met who had done a lot of good things for the City during the past year. At the same time, there were some failures in his administration and they had discussed those matters. He continued stating that he was in favor of continuing the City Manager’s employment for the coming year.

Commissioner Smith stated that he had discussed the positives and negatives with the City Clerk regarding her service. He stated that he had a problem trying to find some negatives because her department had never let him down. He continued stating that he was ready to provide his recommendation for both matters.

Commissioner Moore stated that he felt both individuals were above satisfactory in their positions.

Commissioner Hutchinson stated that she had a lively discussion with the City Manager\_ and she did not want to discuss the matter in detail because she did not feel it was appropriate at this time. She also stated that the City Clerk did a tremendous job and her department functioned very well which was due to her leadership.

Commissioner Katz stated that neither individual had a raise last year and she was suggesting 4% for each on their base salaries.

Commissioner Smith stated that according to a study in regard to salaries for City Clerks in South Florida an adjustment was needed, and he suggested a \$5,000 to \$7,000 adjustment be made, but a lower raise be given to the City Manager.

Commissioner Hutchinson stated that she would support a \$7,000 adjustment to be made to the City Clerk’s salary, and suggested that a cost of living raise of 4% be given to the City Manager.

Commissioner Moore asked what the survey showed the salary range to be for City Clerks. He was informed the salaries ranged from \$64,000 to \$121,000. Commissioner Moore stated that he would support the salary recommendations which had previously been suggested.

The City Manager remarked that the City Clerk did not conduct the survey and the Personnel Office had checked into the matter.

Commissioner Moore stated that he wanted to deal with the matter of the recommendation in regard to the cost of living raise. Last year neither individual received a raise due to budget restraints and concerns regarding the economy. For that reason, he was in support of the 4% increase and he felt both were worthy of a higher increase.

Mayor Naugle stated that he also supported the recommendations being made. He felt there had been a lot of progress in regard to the employment area, and he would support a greater raise if it weren’t for the insurance situation in the City at this time. He hoped this message would be taken and the matter would be resolved for next year.

Commissioner Smith stated that the public works projects in his district had not been completed on time, and there was a large backlog. Along with the increase being given to the City Manager, he wanted to challenge him to do a better job in regard to these matters.

The City Manager stated that he appreciated all the input being given by the Commissioners, and looked forward to the challenges they put forth to him.

Mayor Naugle stated as to how the City Manager would receive the 4% was up to him, and to give the Commission guidance in that regard. Commissioner Katz stated that the 4% was on the base salary. Commissioner Moore stated that would not be a cost of living raise, and would only be a base salary increase. He continued stating that he thought he was speaking in support of a 4% increase on the total compensation for the City Manager and that was how he was presenting the recommendation.

Mayor Naugle asked the Commissioners for their input as to how the 4% would be given to the City Manager. Consensus dictated that the raise would be 4% of the City Manager's salary.

**Action:** 4% increase for the City Manager; \$7,000 increase for the City Clerk.

#### **IV -- Commission Reports**

##### Conference in California

Commissioner Katz stated that she was in San Jose, California last week participating in something similar to the ULI for an area that was very diverse and multi-cultural. She continued stating it had been a real learning experience.

**Action:** None

##### AT&T Broadband - Victoria Park

Commissioner Smith stated that the residents were unnerved due to AT&T Broadband going in the area and chopping a lot of foliage down in the backyards and not doing it correctly. He suggested that possibly the same type of situation existed as the one with FP&L. He further asked the City Manager how they could prevent this from happening in the future.

The City Manager stated that there was a game plan on how this matter was going to be handled.

Mr. Kisela stated that the Utilities Advisory Committee had expanded its duties and possibly could include AT&T and Bell South. Commissioner Smith proceeded to give photographs to Mr. Kisela that had been taken in the area.

**Action:** Utilities Advisory Committee to investigate.

##### Motorcycle Noise at Fuddrucker's

Commissioner Smith stated that there were continued complaints regarding motorcycle noise at Fuddrucker's. He suggested that possibly Fuddrucker's could have an off-duty officer at the site when various functions were being held. Commissioner Hutchinson asked if they could force them to pull a permit. Commissioner Smith stated they needed a more long lasting strategy to address the issue.

The City Manager stated they would work with them and if they were uncooperative he would have the Chief develop an action plan.

**Action:** Action plan to be developed and possibly an off-duty officer be located on site.

#### South Middle River Permit Fees

Commissioner Smith stated they were finally successful in getting the street closures made permanent in the area. Also, irrigation meters were being installed, but the City was requiring them to pay a permit fee, and he was hoping the Commission would waive this fee.

Mayor Naugle remarked that they could not waive the permit fee, but could make a contribution to the neighborhood.

**Action:** Staff to provide exact figures.

(Continued on page 23)

#### Prostitution on Sistrunk Boulevard

Commissioner Moore congratulated the Police Chief for his efforts in the reduction of crime and the visibility of officers along the Sistrunk corridor. He suggested that something be done regarding prostitution in the area. He felt the legislative issue discussed today could be a great benefit, but he felt they needed to do some reverse operation in the area. He continued stating that there appeared to be an increase in male prostitution, as well as a continuation of past practice.

Mayor Naugle asked if possibly the pressures from other parts of the County was pulling this problem more into the City. Commissioner Moore stated that could be one of the problems. He stated that he was trying to fight the perception of the residents that it changed in other areas, and they were now letting it run rapid in this area.

**Action:** Continued police surveillance in the area.

#### NW 22 Road Improvements

Commissioner Moore stated this was a great project, but he was concerned about the type of shrubbery that had been planted. Mr. Kisela stated they were reviewing the situation to see if adjustments were necessary. Commissioner Moore reminded them to check on the placement of the shrubbery so that there would be no hazard imposed on drivers in the area. Mr. Kisela remarked that they were looking at the site triangle and the selection of the material to make sure it was appropriate.

Commissioner Moore suggested that any work being done by contractors should be considerate of ingress and egress to the area.

**Action:** Vegetation to be evaluated for the area.

#### Redevelopment of Carter Park

Commissioner Moore stated that he had met with the contractor and discussed various issues. He congratulated the staff for their attentive effort in gaining control over the situation.

**Action:** None.

#### National League of Cities (NLC)

Commissioner Moore thanked the Mayor and the Board of Directors of the League of Cities for his

nomination for the NLC Board of Directors.

**Action:** None.

Replant Broward Program

Commissioner Hutchinson stated that the Broward League of Cities was giving away trees to residents and Gene Dempsey would be coordinating the events from January through March. She asked for everyone to encourage the people who were part of the CVC to participate.

**Action:** None.

River Oaks/Edgewood Drainage

Commissioner Hutchinson stated they were applying for \$2.5 Million from the State and a grant was applied for with DEP. She explained that they had spent \$160,000 for the study to find out what the best way was to do this. She further stated the recommendation was water retention. She explained they needed to move the water to a piece of property where it could drain naturally. It was too cost prohibitive to install pipes and pumping stations.

Commissioner Hutchinson explained that they had lost a piece of property they were attempting to acquire due to it being bought by the boatyard. She stated there was one piece of property left on 19<sup>th</sup> Avenue, where this water could be moved to. She stated that she would like the Commission to give some direction to staff to find out the purchase price for that piece of property, and it could be part of the match for the program. She believed the City needed to start working pro-actively on this matter.

Mr. Kisela stated if the property owner was agreeable, they would authorize appraisals to be done.

Mayor Naugle asked if this was eligible for the stormwater fund. Mr. Kisela stated it depended upon the cost. Mayor Naugle asked if this was on Senator Geller's list. Commissioner Hutchinson stated the Water Management District had signed on as a partner with the City and had this as part of their budget as it related to legislation.

**Action:** Staff to inquire as to the selling price of a parcel on 19<sup>th</sup> Avenue and schedule appraisals.

Tarpon River Pocket Park/Ann Murray

Commissioner Hutchinson stated that the residents in Tarpon River wanted to name a pocket park after Ann Murray who did a lot of work in the area. She explained that the residents were all in favor and the matter had been brought before the Parks and Recreation Board.

Ernest Burkeen, Director of Parks and Recreation, stated they would provide some additional information in regard to this matter. It is a right-of-way and not a park. Commissioner Hutchinson reiterated that it was a street end that abutted the river. She also stated that the residents were willing to sign some sort of agreement stating that they would be responsible for the maintenance of the piece of land or pocket park. Mayor Naugle stated that the word "park" might not be used. Mr. Kisela suggested that the same thing be done like the under deck on 17<sup>th</sup> Street. FDOT had problems calling these areas parks and instead used the word "plaza."

Mayor Naugle stated that the lady was very worthy. Commissioner Hutchinson suggested this be done quickly.

Commissioner Smith agreed and stated that there should be no problem doing this.



**Action:** As discussed.

Beach Renourishment

Mayor Naugle stated that an e-mail had been received regarding this matter and he wanted the City Manager to develop some sort of strategy to make sure the City benefitted from this program.

**Action:** Strategy to be developed so the City could benefit from this program.

**III-B – Advisory Board Appointments**

Mayor Naugle stated that he wanted to appoint John Barranco to the Community Appearance Board. He continued stating that he wanted to reappoint the individual whose term was expiring to the Budget Committee.

**Action:** Formal action to be taken at Regular meeting.

Commissioner Moore stated that he wanted to reappoint Lester Alexander to the Budget Advisory Board, and asked the City Clerk to send him a reminder about attendance.

**Action:** Formal action to be taken at Regular meeting.

Commissioner Hutchinson stated that she wanted to reappoint the Budget Committee member, and Jim Carris for the CRA Board.

**Action:** Formal action to be taken at Regular meeting.

Commissioner Smith stated that he wanted to appoint Al Massey to the Board of Adjustment. He stated that they would also have to bump up the next alternate to a position on the Board. He continued stating that he wanted to appoint Nick Sakhovsky to the Utilities Advisory Committee.

**Action:** Formal action to be taken at Regular meeting.

Commissioner Katz stated that she wanted to reappoint the Budget Advisory Board members.

**Action:** Formal action to be taken at Regular meeting.

**V - City Manager Reports**

South Middle River Permit Fees for Water Meters (Continued from Page 21)

The City Manager stated that the cost of the water meters was approximately \$2500. The meters were about \$350 to \$400 per meter.

Commissioner Smith stated the residents were paying for the meters and they were only referring to the permit fee. Mr. Kisela stated that he had checked on the matter with Hector Castro and he was informed the cost was \$350 to \$400 per meter.

Budget Advisory Board

The City Clerk clarified that since the conference report had been approved, an ordinance would be scheduled in December for the Budget Advisory Board and the people who were just reappointed would start their terms September 30, 2003.

Holiday Decorations

Commissioner Moore asked about the holiday decorations for the City. The City Manager stated that he had received word about this matter and he was working on it.

There being no further business to come before the Commission, the meeting was adjourned at 5:38 p.m.

**Note: A mechanical recording has been made of the foregoing proceedings of which these minutes are a part, and is on file in the office of the City clerk for a period of two years.**